

PATENT
Customer No. 22,852
Attorney Docket No. 7451.0001-18
InterTrust Ref. No.: 5.2.1.1 (US)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 26, 2004. Express Mail Label Nos.: EV 398888246 US

Signed: Cindy Baglietto
Cindy Baglietto

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Karl L. GINTER et al.) Group Art Unit: 2132
)
Application No.: 09/678,252) Examiner: DARROW, Justin T.
)
Filed: June 1, 2001)
)
For: SYSTEMS AND METHODS FOR)
SECURE TRANSACTION)
MANAGEMENT AND)
ELECTRONIC RIGHTS)
PROTECTION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

THIRD UPDATED NOTICE REGARDING RELATED LITIGATION

Further to the submission of the prior Updated Notices Regarding Related Litigation, Applicants submit this Third Updated Notice to inform the Examiner of the status of the ongoing litigation between InterTrust and Microsoft, captioned InterTrust Tech. Corp. v. Microsoft Corp. (C 01-1640 SBA, N. D. Ca.). Applicants also submit herewith potentially relevant copies of the papers exchanged by the parties in the course of this litigation.

STATUS OF RELATED LITIGATION

Dated September 2, 2003, and attached as Exhibit 1 hereto, is InterTrust's Disclosures of Asserted Claims and Preliminary Infringement Contentions Pursuant to Patent Local Rules 3-1 and 3-2 with Exhibits A and B. Exhibit C has not been provided because (1) it is marked "Confidential - Subject to Protective Order" and "Attorneys Eyes Only" (as it pertains to proprietary Microsoft information); and (2) it is not material to the patentability of the pending claims, as it contains only information pertaining to Microsoft's current products and systems.

On November 17, 2003, Microsoft filed Defendant Microsoft Corporation's Preliminary Invalidity Contentions (Patent Local Rules 3-3 and 3-4). See Exhibit 2.

REMARKS

Applicants submit this Third Updated Notice Regarding Related Litigation in fulfillment of their duty to disclose information potentially material to patentability under 37 CFR 1.56. Applicants encourage the Examiner to carefully review the attached documents, and let Applicants know if any additional information is desired.

With this Notice, Applicants have provided copies of the papers described in the Status of Related Litigation section above. Furthermore, a voluminous number of documents have been referred to in the Microsoft paper attached as Exhibit 2 (specifically, in Exhibit A, attached thereto). All of the references listed in Exhibit A which have not already been cited in this application are listed on an Information Disclosure Statement filed contemporaneously with this Third Updated Notice (March 26, 2004), and copies of the cited documents were provided on CD-ROM therewith.

Furthermore, Applicants urge the Examiner to also review Exhibits B and C, exhibits to Microsoft's Preliminary Invalidity Contentions, which comprise an extensive listing of claim charts pertaining to the patents-in-suit. Exhibits B and C are provided in electronic format (via CD-ROM, sent with this Notice) due to their sizeable page length.


As always, if the Examiner believes that any document not yet submitted may be helpful in resolving an issue before him and would like to review that or any other document, Applicants invite the Examiner to contact the undersigned at (650) 849-6643.

If there are any fees due with the filing of this Notice which have not yet been paid, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 26, 2004

By: 
Andrew B. Schwaab
Reg. No. 38,611

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
1300 I Street, N.W.
Washington, D.C. 20005-3315